

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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EBEN ALEXANDER, III, M.D.

Plaintiff,

v.

BRIGHAM AND WOMEN'S PHYSICIANS  
ORGANIZATION, INC., successor to  
Brigham Surgical Group Foundation, Inc.,  
BOSTON NEUROSURGICAL FOUNDATION )  
INC., BRIGHAM SURGICAL GROUP )  
FOUNDATION, INC. DEFERRED )  
COMPENSATION PLAN, BRIGHAM )  
SURGICAL GROUP FOUNDATION, INC. )  
FACULTY RETIREMENT BENEFIT )  
PLAN, COMMITTEE ON COMPENSATION )  
OF THE BRIGHAM SURGICAL GROUP )  
FOUNDATION, INC., and )  
PETER BLACK, M.D. )

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS

Case No. 04-10738-MLW

**JOINT MOTION TO EXTEND RULE 56 DEADLINES**

The parties hereby respectfully request that this Court extend the time to April 5, 2005 for Plaintiff Eben Alexander, M.D. to file his motion for summary judgment, as an accommodation to Plaintiff's lead counsel, whose wife just had a baby, and therefore is out of the office. The parties request a similar extension of time to May 16, 2005 for Defendants to file their cross-motion for summary judgment. In further support hereof, the parties state as follows:

1. The current Rule 56 briefing schedule requires Plaintiff to file his motion for summary judgment by March 24, 2005.

2. Mr. Paris, lead counsel for Plaintiff, will be out of the office for some time due to his child's birth.

3. The Court recently extended the Rule 56 deadlines for two weeks on behalf of all parties to afford them time to exchange information and stipulate to certain facts. Additional material has been exchanged and the parties continue to work toward a stipulation of certain facts, which will facilitate the Court in deciding the sole issue to be addressed in the summary judgment papers (i.e. whether two deferred compensation plans are valid "top hat" plans under ERISA).

4. In sum, Plaintiff needs additional time to prepare his summary judgment motion and defendants request the same extension for their brief.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court extend the time for Plaintiff to file his motion for summary judgment to April 5, 2005 and for Defendants to file their cross-motion for summary judgment to May 16, 2005.


Respectfully submitted,

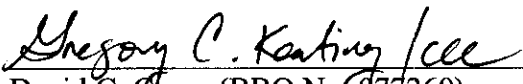
Plaintiff,

Defendants,

By his attorneys,

By their attorneys,

  
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Dated: March 22, 2005